

REMARKS

In the Office Action mailed on December 20, 2007, the Examiner rejected claims 4, 11, 15, 22, 26, 33 and 35 under 35 U.S.C. 112, 2nd paragraph as being indefinite; rejected claim 35 under 35 U.S.C. 101 for claiming non-statutory subject matter; rejected claims 1-3, 5, 6, 12-14, 16, 17, 23-25, 27, 28, 34 and 35 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,446,261 to Rosser; rejected claims 8-10, 19-21 and 30-32 under 35 U.S.C. 103(a) as being unpatentable over Rosser in view of U.S. Patent Application Publication No. 2003/0122966 to Markman et al. and rejected claims 7, 18 and 29 under 35 U.S.C. 103(a) as being unpatentable over Rosser in view of U.S. Patent Publication No. 2002/0013941 to Ward III et al.

In response, Applicant has amended claims 5-8, 11, 16-19, 22, 27-30 and 33 and cancelled claim 1-4, 12-15, 23-26, 34 and 35. No new matter has been added.

In amended claims 11, 22, and 33, Applicant has cancelled the limitation, “approximately adjacent to a customer premises.” This amendment is to only clarify the claims.

In addition, Applicant has cancelled claim 35 rendering the 35 U.S.C. 101 rejection moot.

With respect to independent claims 8, 19 and 30, the Examiner apparently asserts the combination of Rosser and Markman et al. teach the use of two active rendering devices, each with its own profile. Rosser describes only a single device with a profile derived from the entire household's viewing habits. See generally column 8, lines 20-38. To the extent the Examiner believes it would be obvious to use of two of Rosser's inventions in a single system, Applicant would like to point out that they would be

identical rendering devices with identical profiles. In such a system, the alleged “first targeted advertisement” would be the same as the “second targeted advertisement” in contradiction of the last limitation of claims 8, 19 and 30.

Markman et al. generally describe a centralized media server that supports a plurality of client devices in a home in paragraph 45. Markman et al. fail to describe any client devices having different profiles. Any profiles from Rosser put into the combination of Rosser and Markman et al. would result in the plurality of client devices having the same profile. This is true because neither reference teaches or suggests using two different profiles on two different rendering devices. Thus the combination of Rosser and Markman et al. fail to teach all of the claim limitations.

Claims not specifically mentioned above are allowable due to their dependence on an allowed base claim.

CONCLUSION

No fees beyond the fees for a Three (3) Month Extension of Time are due for this response. However, the Office is authorized to charge any additional fees or underpayments of fees (including fees for petitions for extensions of time) under 37 C.F.R. 1.16 and 1.17 to account number 502117. Any overpayments should be credited to the same account.

Applicant respectfully requests reconsideration of the present application, withdrawal of the rejections made in the last Office Action and the issuance of a Notice of Allowance. The Applicant's representative can be reached at the below telephone number if the Examiner has any questions.

Respectfully submitted,

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